



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Amy J. Bodek, AICP
Director

May 22, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**PROJECT NO. R2008-00836-(2)
CONDITIONAL USE PERMIT NO. 200800085
ENVIRONMENTAL ASSESSMENT NO. 201400128
APPLICANT: LUIS LLAMAS, TOP CASH RECYCLING
APPELLANT: HERADIO CANO RAMIREZ
STARK PALMS ZONED DISTRICT
(SECOND SUPERVISORIAL DISTRICT) (3-VOTES)**

This is an appeal by a community member of the Regional Planning Commission's (Commission) decision to deny the Conditional Use Permit (CUP) application for a California Redemption Value (CRV) recycling facility for glass, plastic, aluminum, and metal containers. The appellant states that the business helps keep the city clean, people depend on the recycling business to survive, and because the owners of the facility are humble, good people (translated from Spanish).

SUBJECT

The applicant, Luis Llamas, operator of Top Cash Recycling, requested a CUP to authorize a CRV recycling facility for glass, plastic, aluminum, and metal containers in the M-2 (Heavy Manufacturing) Zone. The applicant requested the CUP to legalize the unpermitted recycling facility, which has been operating without the required land use permit since at least 2008.

On February 14, 2018, the Commission denied the project. The Commission's decision was based on the evidence that the applicant operated an unpermitted heavy industrial land use since 2008 and did not make an adequate effort to obtain the required land use permit for the business. In addition, the Commission found that the property had a documented and lengthy history of zoning violations and safety issues. Finally, the Commission found that the project did not meet the CUP Burden of Proof and Findings as outlined in Sections 22.56.040 and 22.56.090 of the County Code, which require that

projects do not adversely affect the health, peace, comfort or welfare of persons residing or working in the area, and jeopardize, endanger or constitute a menace to the public health, safety, or general welfare.

One community member appealed the Commission's decision to deny the CUP application stating that the business helps keep the city clean, people depend on the recycling business to survive, and because the owners of the facility are humble, good people (translated from Spanish).

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Affirm that the project is statutorily exempt pursuant to State and local California Environmental Quality Act (CEQA) Guidelines;
2. Indicate its intent to deny the appeal, and instruct the County Counsel to prepare the necessary findings to uphold the Commission's denial of CUP No. 200800085.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The project site is located at 9315 South Alameda Street in the unincorporated community of Florence-Firestone. The applicant requested a CUP to legalize an existing, unpermitted CRV recycling center. Recycling facilities are considered a junk and salvage use, which require a CUP in the M-2 Zone pursuant to County Code Section 22.32.190. In addition, pursuant to Section 22.44.138.7.b, the Florence-Firestone Community Standards District (CSD) requires a CUP for all principal business uses conducted outside of an enclosed structure and are within 250 feet of a residential zone and residential zones are approximately 200 feet west of the project site.

On February 14, 2018, the Commission denied the project based on the following findings:

- The applicant operated multiple heavy industrial land uses (recycling of junk and salvage, recycling and processing of scrap metal and hazardous materials, and automobile dismantling) without the required land use permit since at least 2008.
 - CUP No. 99-085-(2) authorized an automobile dismantling and salvage yard on all three parcels on December 1, 1999. The CUP expired on December 26, 2008, and there are no other permit approvals for the project site.
 - On October 9, 2007, the Department of Regional Planning (Department) staff issued Notice of Violation (NOV) No. 07-0026354, citing the property

- owner and the applicant for operating an unpermitted automobile dismantling yard, unpermitted recycling and automobile glass and body repair businesses, unpermitted signage, and an unpermitted office in a converted cargo container.
- In 2008, the applicant was issued a Clean Hands Waiver and was directed to cease all operations related to automobile dismantling and the recycling and processing of scrap metal and other hazardous materials. However, inspections as recent as January 2018 verified that the applicant was still conducting these unpermitted heavy industrial activities on the property.
 - The applicant made an inadequate effort to obtain the required land use permit to operate the recycling facility.
 - The applicant filed a CUP application in 2008 in response to an NOV No. 07-0026354, which was issued on October 9, 2007. As of February 18, 2018, approximately ten years after the application was submitted, the project had not received clearance from the Department of Public Works to go to public hearing, and no environmental paperwork was ever submitted to initiate the required CEQA review of the project.
 - There were lengthy periods of inactivity on the project. The Department mailed several incomplete letters, requested multiple status updates due to the applicant's lack of responsiveness to the County's request for information, and in 2014 scheduled the project for denial due to inactivity.

Incomplete application material letters were sent on:

- December 30, 2008
- January 26, 2009
- April 22, 2009
- May 1, 2014

The case was heard by the Los Angeles County Hearing Officer on November 18, 2014, for denial due to inactivity. The applicant was granted an additional thirty days to provide required materials.

Due to a lack of activity on the project, staff requested status updates from the applicant, the applicant's representative, and/or the property owner on the following dates:

- April 16, 2015
- June 2, 2015
- September 15, 2015
- December 22, 2015
- February 16, 2016

- May 4, 2016
 - June 6, 2016
 - January 26, 2017
 - August 7, 2017
 - September 13, 2017
 - November 1, 2017
- The property has a substantive record of zoning violations, with documented violations dating back to 2007. The applicant and property owner were given multiple opportunities to abate the violations and failed to meet the required timelines. The Department issued the following zoning enforcement citations for the properties:
 - October 9, 2007: The Department issued an NOV No. 07-0026354, citing an expired CUP for an automobile dismantling yard, unpermitted recycling and automobile glass and body repair businesses, unpermitted signage, and an unpermitted office in a converted cargo container. In addition, a number of other conditions that had not been met and required improvements from CUP No. 99-085 that had not been made to the property were cited in the NOV, including lack of landscaping, and improvements to the fences and walls.
 - March 13, 2008: The Department issued a Clean Hands Waiver to allow the continued operation of the recycling center under specific conditions. However, the applicant did not meet several conditions from the Clean Hands Waiver, including maintaining the property in compliance with Title 22 of the County Code, maintaining the property in a clean and sanitary manner, not handling hazardous materials, and recycling of aluminum, glass and plastics only. The Clean Hands Waiver stated that any non-compliance with the conditions of the waiver will constitute grounds for termination of the waiver.
 - September 21, 2017: The Department issued an NOV No. RPCE2017023163 for multiple zoning violations including the unpermitted operation of a recycling center, the unpermitted processing of scrap metal and unpermitted automobile dismantling, and for not meeting the development standards for the M-2 Zone and outside storage and display development standards for parking, landscaping, fence/wall enclosures, and signage.
 - January 22, 2018: The Department issued an NOV No. RPCE2018000292 for Parcel No. 6046-008-008, citing unpermitted land uses (automobile dismantling, and junk and salvage), and for non-compliance for the development standards for the M-2 Zone and outside storage and display.

- The applicant allowed unsafe and illegal activities on the property.
 - Loitering and the consumption of alcohol by multiple individuals on multiple occasions were observed on the property.
 - As recent as December 2017, cargo containers and inoperable trailers were being used as illegal residences with unsafe and hazardous conditions, such as illegal electrical wiring and no sanitation facilities.
 - The applicant operated unpermitted heavy industrial uses and handled hazardous materials on the property without the required land use permits or hazardous materials permits. In addition, a required environmental review of the project site was never completed, and the extent of the environmental impacts from these uses on neighboring properties, including residences 200 feet to the west, could not be determined. For example, there are areas of the property with inadequate paving or surfacing, and automobile dismantling and storage of hazardous materials was observed over unpaved ground, potentially allowing the release of untreated hazardous materials into the groundwater system.

- The properties are in a severe state of disrepair, and the property owner is unresponsive in addressing the violations and potentially hazardous conditions on his properties and has stated to staff that he is unwilling to make any improvements to his properties.
 - The surfacing, walls, and fences for all properties are in poor condition. There are unpermitted structures and interior walls with no building permits. In addition, the most recent CUP that was approved in 1999 required property improvements that were never completed, as noted in an NOV No. 07-0026354.
 - All three properties are owned by the Ali Malaklou and Martha B Trust. In addition to the unpermitted recycling business, there are other unpermitted businesses on these properties including unlicensed automobile dismantling and automobile repair and painting; however, no applications have been submitted for these uses.
 - The property owner is unresponsive, uncooperative, and has stated that he is unwilling to make any improvements to his properties, and that only his tenants are responsible for all required improvements. The applicant does not have a lease agreement or direct relationship to the property owner as they are sub-leasing from the main tenant, and automobile body repair and painting business that is also operating without required permits. The Department sent multiple letters to the property owner and received no response. Staff had one phone conversation with the property owner, who

stated he was unaware of the numerous unpermitted activities on the property and has no intention of making any improvements to the property.

The project must meet the CUP Burden of Proof and Findings, as outlined in Sections 22.56.040 and 22.56.090 of the County Code, which requires that:

- The proposed use is consistent with the adopted General Plan.
- The proposed use does not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required because the permittee and the property owner are unable to demonstrate the ability to comply with the regulations to operate the proposed uses at this location.

The Commission found that based on the substantial evidence presented at the hearing, the applicant did not meet the CUP burden of proof and denied the project.

Since the February 14, 2018, Commission hearing, the Department has not had any contact with the property owner. The Department held one meeting with the applicant on February 21, 2018, who requested additional time to find a new location to operate the recycling facility. The Department held a separate meeting with the main tenant of the property, who sub-leases the space to the recycling facility and who operates the unpermitted automobile repair and painting business. The Department issued an NOV No. RPCE2018000292 on January 22, 2018, for this unpermitted business, as well as for the other unpermitted automobile dismantling and junk and salvage businesses on the project site. The Department continues to conduct site inspections (March 1, 2018, April 12, 2018), and has verified that all of the unpermitted uses on the three properties are still operating.

In addition, during February 2018, the Department conducted surveys on industrial facilities in unincorporated Florence-Firestone in partnership with Communities for Better Environment. The surveys contained observations on the environmental impacts of existing industrial uses in the area. The survey associated with Top Cash Recycling,

located at 9315 South Alameda Street, noted the presence of odors, dust, noise, and runoff.

Implementation of Strategic Plan Goals

Action on the project is supported by the Los Angeles County (County) Strategic Plan Goal 1, Make Investments That Transform Lives, Goal 2, Foster Vibrant and Resilient Communities, and Strategy II.2, Support the Wellness of Our Communities. The Commission's decision to deny the project was in part based on evidence that the project presented a health and safety concern to neighboring businesses and residents because the applicant was operating heavy industrial uses without the required land use permits or operational measures to conduct the operation safely and in accordance with County Code standards. The Board of Supervisors (Board) action on the project addresses the overall wellness of the surrounding community, which suffers from environmental justice issues related to the close proximity of heavy industrial uses to residential neighborhoods. Finally, taking action on businesses that operate heavy industrial uses without the required County permits supports the goal of fostering a vibrant community that supports County residents' wellness and health.

FISCAL IMPACT/FINANCING

Action on the project will not result in significant costs to the County. On February 14, 2018, the Commission denied the project, which was a request for a CUP to authorize a CRV recycling facility for glass, plastic, aluminum, and metal containers. The Board's decision to uphold the Commission's decision means that the CUP is denied, the decision by the Board is final, and no other administrative action can be taken on the project. The Board's decision to grant the appeal would send the project back to the Department for further review, and the review cost is built into the CUP application fee.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The relevant permit history for the project site is as follows:

- Special Permit 2065 authorized an automobile wrecking yard on Parcel Nos. 6046-008-007 and 6046-008-009 on November 24, 1970. The expiration date for this permit was November 24, 1985.
- Special Permit No. 2126 authorized an automobile wrecking yard on Parcel No. 6046-008-008 on June 10, 1971. The expiration date for this permit was June 22, 1986.
- CUP No. 99-085-(2) authorized an automobile dismantling and salvage yard on all three parcels on December 1, 1999. The CUP expired on December 26, 2008.

On October 9, 2007, the Department issued an NOV No. 07-0026354, citing an expired CUP for an automobile dismantling yard, unpermitted recycling and automobile glass and body repair businesses, unpermitted signage, and an unpermitted office in a converted cargo container.

The applicant submitted an application to the Department requesting a CUP to authorize a CRV recycling facility for glass, plastic, aluminum, and metal containers on May 7, 2008.

From March 13, 2008, through February 14, 2018, staff attempted to work with the applicant and the property owner on the project, but the applicant and property owner were unresponsive or put forth an inadequate effort to provide the County with the materials to process the application or to abate the ongoing record of zoning violations on the property. The Department sent four incomplete application letters, requested eleven project status updates due to project inactivity, sent four enforcement action notices including NOVs and a Clean Hands Waiver, and the project was heard for denial due to inactivity on November 18, 2014.

Based on the evidence and testimony given at the February 14, 2018 public hearing, the Commission denied the project.

ENVIRONMENTAL DOCUMENTATION

On February 14, 2018, the Commission found that the project was statutorily exempt pursuant to CEQA Guidelines Section 15270, because CEQA does not apply to projects which a public agency rejects or disapproves. Therefore, the project qualified as a Statutory Exemption (Projects Which Are Disapproved) and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

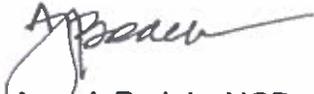
IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the project is not anticipated to have a negative impact on current services. The Board's decision to uphold the Commission's decision means that the CUP is denied, and the decision by the Board is final and no other administrative action can be taken on the project. The Board's decision to grant the appeal would send the project back to the Department for further review, and the review cost is built into the CUP application fee.

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For further information, please contact Travis Seawards at (213) 974-6462 or TSeawards@planning.lacounty.gov.

Respectfully submitted,



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Director

AJB:SA:TSS:lm

Attachments: Findings and Conditions
Commission Staff Reports and Correspondence

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works

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